

No. 23-13062-DD

In the
United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KRISTOPHER JUSTINBOYER ERVIN AND MATTHEW HOOVER,
Defendants-Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
No. 3:21-CR-22-MMH-MCR-1

**UNITED STATES' MOTION FOR LEAVE TO EXCEED TYPE-
VOLUME LIMITATION AND TO STAY BRIEFING
SCHEDULE PENDING RULING ON THIS MOTION**

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May 13, 2024

United States v. Kristopher Justinboyer Ervin and Matthew Hoover,
No. 23-13062-DD

**Certificate of Interested Persons
and Corporate Disclosure Statement**

The following persons and entity have an interest in the outcome of this case:

1. Barksdale, Hon. Patricia D., United States Magistrate Judge;
2. Call, Lisa, Federal Public Defender's Office;
3. Corrigan, Hon. Timothy J., United States District Judge;
4. Ervin, Kristopher Justinboyer, defendant-appellant;
5. Firearms Policy Coalition, *amicus curiae*;
6. FPC Action Coalition, *amicus curiae*;
7. Handberg, Roger B., United States Attorney;
8. Harrington, Jennifer, Assistant United States Attorney;
9. Hoover, Matthew Raymond, defendant-appellant;
10. Hoppmann, Karin, former Acting United States Attorney;
11. Howard, Hon. Marcia Morales, United States District Judge;
12. Jaffe, Erik S., Esq.;
13. King, Alex, Esq.;
14. Klindt, Hon. James R., United States Magistrate Judge;
15. Linnen, Valarie, Esq.;
16. Lopez, Maria Chapa, former United States Attorney;

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17. Mesrobian, David B., Assistant United States Attorney;
18. Monroe, Daniel S., Esq.;
19. Rhodes, David P., Assistant United States Attorney,
Chief, Appellate Division;
20. Richardson, Hon. Monte C., United States Magistrate Judge;
21. Sherrill, Miranda Cherkas, Esq.;
22. Siekkinen, Sean, Assistant United States Attorney;
23. Taylor, Laura Cofer, Assistant United States Attorney; and
24. Tran, Mai, Assistant United States Attorney.

No publicly traded company or corporation has an interest in the outcome of this appeal.

In the United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

No. 23-13602-DD

KRISTOPHER JUSTINBOYER ERVIN AND
MATTHEW HOOVER,
Defendant-Appellant

**United States' Motion for Leave to Exceed Type-Volume
Limitation and to Stay Briefing Schedule Pending
Ruling on this Motion**

The United States respectfully moves on the following grounds for leave to exceed by 4,000 words the type-volume limitation for principal briefs set forth in Fed. R. App. P. 32(a)(7)(B)(i), resulting in a brief of up to 17,000 words, and requests a stay of the briefing schedule pending this Court's ruling on this motion. Our brief is due on May 20, 2024 (one week from today).

The requested additional words are necessary because this is a joint appeal following a nine-day trial in which codefendants Hoover and Ervin have filed separate briefs challenging on several grounds the sufficiency of the evidence supporting their convictions, the jury instructions, the constitutionality of parts of the National Firearms Act (including Due Process, First Amendment, and Second Amendment arguments), and their conditions

of supervised release. The Firearms Policy Coalition and FPC Action Foundation have filed an amicus brief supporting Hoover and Ervin. Counsel for Hoover and counsel for Ervin do not oppose this request to exceed the word limit.

Therefore, the United States respectfully requests that this Court grant leave to exceed the type-volume limitation for its brief, by 4,000 words, allowing it to file a brief of up to 17,000 words, and requests a stay of the briefing schedule pending the ruling on this motion.

Respectfully submitted,

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Certificate of Compliance with Type-Volume Limitation

This motion, which contains 231 countable words, complies with Fed. R. App. P. 27(d)(2)(A) and Fed. R. App. P. 32(a)(5), (6).

Certificate of Service

I certify that a copy of this motion and the notice of electronic filing was sent by CM/ECF on May 13, 2024, to:

VALARIE LINNEN, ESQ.
Counsel for Kristopher Ervin

MATTHEW LAROSIERE, ESQ.
Counsel for Matthew Hoover

s/ Sean Siekkinen
SEAN SIEKKINEN
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